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AUG 12 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

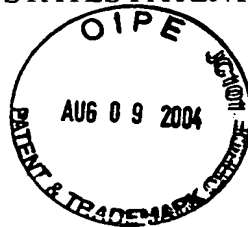
Technology Center 2100

In re Application of:
Alan H. Karp et al.

Serial No.: 09/922,551

Filed: August 2, 2001

For: LOOK-AHEAD LOAD PRE-FETCH
IN A PROCESSOR



Group Art Unit: 2183

Examiner: Ravindran, Latha

Atty. Docket: NUHP:0295/FLE/BLT
10980981-1

#5

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

CERTIFICATE OF TRANSMISSION OR MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) or is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on the date below:

Aug 4, 2004
Date

Christina Hartline
Christina Hartline

**PETITION TO THE COMMISSIONER UNDER 37 C.F.R. § 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT**

Dear Sir:

The Applicant files this Petition under 37 C.F.R. § 1.181 to withdraw the holding of abandonment of the above-referenced application.

The Applicant received a Notice of Abandonment and Examiner-Initiated Interview Summary that was mailed on July 6, 2004. The Notice of Abandonment indicated that the above-referenced application is abandoned for Applicant's failure to file a timely reply to the Notice to File Corrected Application Papers mailed on September 13, 2001. Further, in the Examiner-Initiated Interview Summary, the Examiner held various telephonic conversations with

patent attorney, Paul Horstmann, which related to the Notice to File Corrected Application Papers mailed on September 13, 2001. In these conversations, the Examiner indicated that no response was received by the United States Patent and Trademark Office, but Mr. Horstmann maintained that a response to the Notice to File Corrected Application Papers was filed on November 9, 2001. Despite the assertions of Mr. Horstmann, the Examiner subsequently issued the above-referenced Notice of Abandonment.

In the present petition, the Applicant presents evidence that the Applicant's attorney of record filed a response to the Notice to File Corrected Application Papers on November 9, 2001. A copy of the response to the Notice to File Corrected Application Papers is attached as Appendix A to this petition. By this petition, the Hewlett-Packard Development Company ("HP") (the rightful assignee of the above-referenced application) respectfully requests that the holding of abandonment be withdraw. In support of this petition, HP offers the accompanying response to the Notice to File Corrected Application Papers on November 9, 2001, which includes a Transmittal Letter for Corrected Application Papers, Notice to File Corrected Application Papers, 4 pages of corrected formal drawings, Certificate of First Class Mail, and return postcard.

As set forth above, the Notice of Abandonment was mailed on July 6, 2004 because the Applicant is alleged to have not responded to the Notice to File Corrected Application Papers. However, the Applicant included a return postcard with the response to the Notice to File Corrected Application Papers on November 9, 2001 itemizing the items submitted therewith. A true and correct copy of the return postcard, which was received from the United States Patent

and Trademark Office on or about January 8, 2002, is attached in Appendix B of this petition.

As shown by Appendix B, the response filed on November 9, 2001, included a Transmittal Letter for Corrected Application Papers, Notice to File Corrected Application Papers, 4 pages of corrected formal drawings, and Certificate of First Class Mail.

Pursuant to M.P.E.P. § 711.03(c)(I), where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Furthermore, the applicant may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See M.P.E.P. § 503, M.P.E.P. § 711.03(c)(I)(B). For example, if the application has been held abandoned for failure to file a reply to a Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. See *id.* When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into Patent Application Location and Monitoring (PALM) using the date of receipt of the reply as shown on the post card receipt. That is, the postcard receipt that itemizes and properly identifies the items being filed serves as *prima facie* evidence of receipt of those items by the United States Patent and Trademark Office. See M.P.E.P. § 503.

Thus, the Applicant has provided *prima facie* evidence that the response that included a Transmittal Letter for Corrected Application Papers, a Notice to File Corrected Application

Papers, 4 pages of corrected formal drawings, a Certificate of First Class Mail was mailed on November 9, 2001 and received by the United States Patent and Trademark Office on January 9, 2001. The Applicant, therefore, respectfully requests that the Commissioner grant this petition and withdraw the holding of abandonment of the above-referenced application. Further, the Applicant respectfully requests that the Commissioner accord the receipt date of the November 9, 2001, to the response to the Notice to File Corrected Application Papers mailed on September 13, 2001.

Conclusion


In view of the above remarks, the Applicant respectfully requests that the Commissioner grant this Petition and that the Examiner place the response to Notice to File Corrected Application Papers attached in Appendix A in the file. If the Commissioner and/or the Examiner wishes to discuss further this Petition or the above-referenced application, he is invited to contact the undersigned attorney at the number listed below.

Payment of Fees

No fees are believed due in relation to this Petition. However, if it is determined that fees are necessary, then the Applicant hereby authorizes the Commissioner and/or the Examiner to charge any and all necessary fees to the following deposit account: (08-2025).

Respectfully submitted,

Date: August 4, 2004


Brent R. Knight
Reg. No. 54,226
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545

CORRESPONDENCE ADDRESS
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400



Appendix A

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AUG 1 2 2004

Technology Center 2100

Dear Sir:

Please acknowledge receipt of the following documents(s):
RE: US Patent Application 09/922,551
PDNO: 10980981-1 Atty: TXL

Inventor: Alan H. Karp et al

Title: Look-Ahead Load Pre-Fetch in a Processor

- ☒ Transmittal Letter for Corrected Application Papers
- ☒ Notice to File Corrected Application Papers
- ☒ Four (4) pages of corrected formal drawings
- ☒ Certificate of First Class Mail dated November 9, 2001

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AUG 12 2004

Technology Center 2100

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION
ATTORNEY DOCKET NO. 10980981 -1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Alan H. Karp et al

Confirmation No.: 9449

Application No.: 09/922551

Examiner: Unassigned

Filing Date: Aug 02, 2001

Group Art Unit:

Title: Look-Ahead Load Pre-Fetch In A Processor

Box MISSING PARTS
COMMISSIONER FOR PATENTS
Washington, D.C. 20231

TRANSMITTAL LETTER FOR SUBMITTAL OF CORRECTED APPLICATION PAPERS

Sir:

This is in response to a Notice to File Corrected Application Papers under 37 CFR 1.84 mailed on 09/13/2001. Enclosed is a copy of said Notice and the following documents to complete the filing requirements of the above-identified application.

(X) Four (4) pages of formal drawings

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AUG 12 2004

Technology Center 2100

() A Petition for Extension of Time for reply to Notice to Correct Application is attached.

() one month \$110.00
() two months \$400.00
() three months \$920.00
() four months \$1440.00

() Please charge to Deposit Account 08-2025 the sum of \$0.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

() A duplicate copy of this transmittal letter is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 11/09/2001

Typed Name: Ann Jesus

Signature: 

Rev 10/01 (CORRECTAPPL)

Respectfully submitted,

Alan H. Karp et al

By 

Thomas X Li

Attorney/Agent for Applicant(s)

Reg. No.: 37,079

Date: 11/09/2001

Telephone No.: (650) 857-5972



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/922,551	08/02/2001	Alan H. Karp	10980981

CONFIRMATION NO. 9449

FORMALITIES LETTER



OC000000006547154

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Date Mailed: 09/13/2001

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NOTICE TO FILE CORRECTED APPLICATION PAPERS

AUG 12 2004

Filing Date Granted

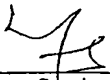
Technology Center 2100

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

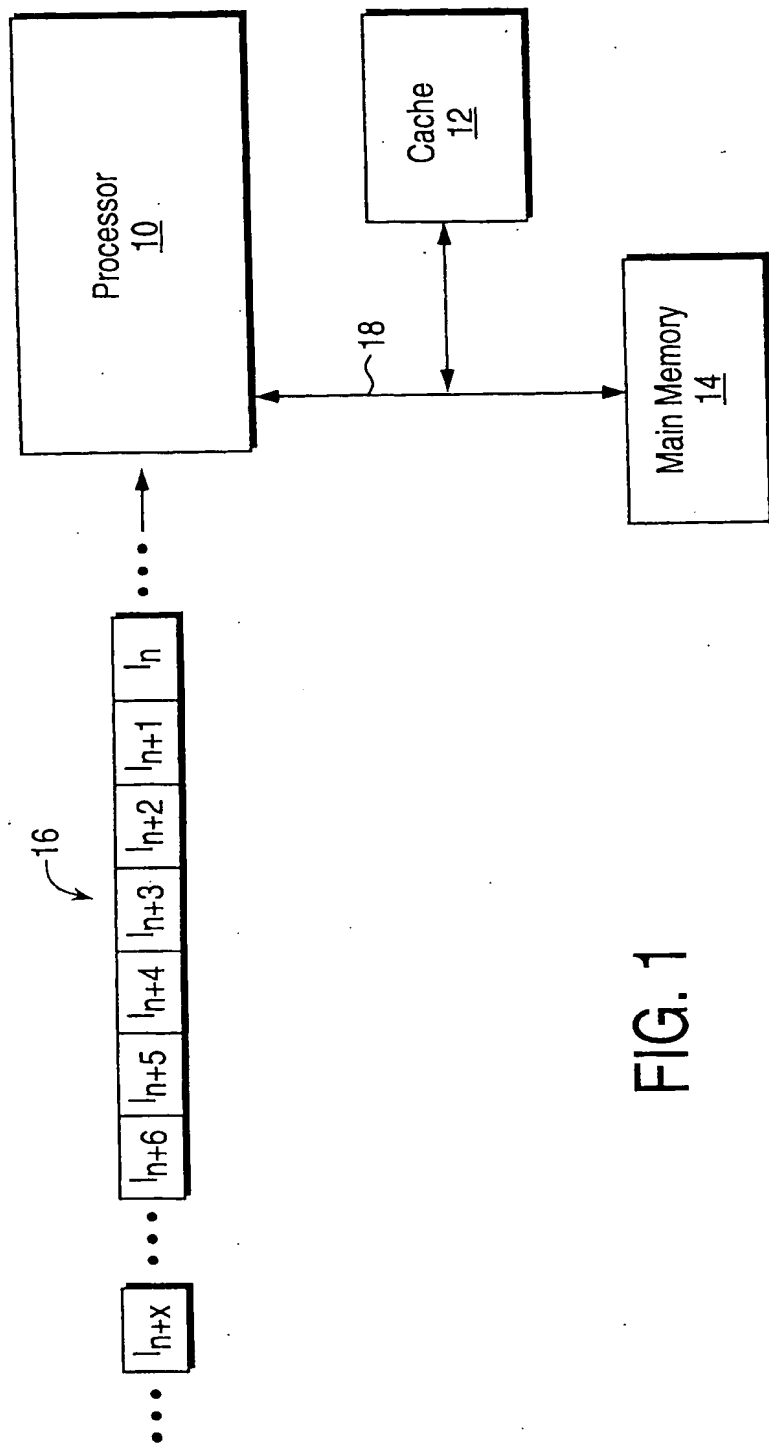


FIG. 1

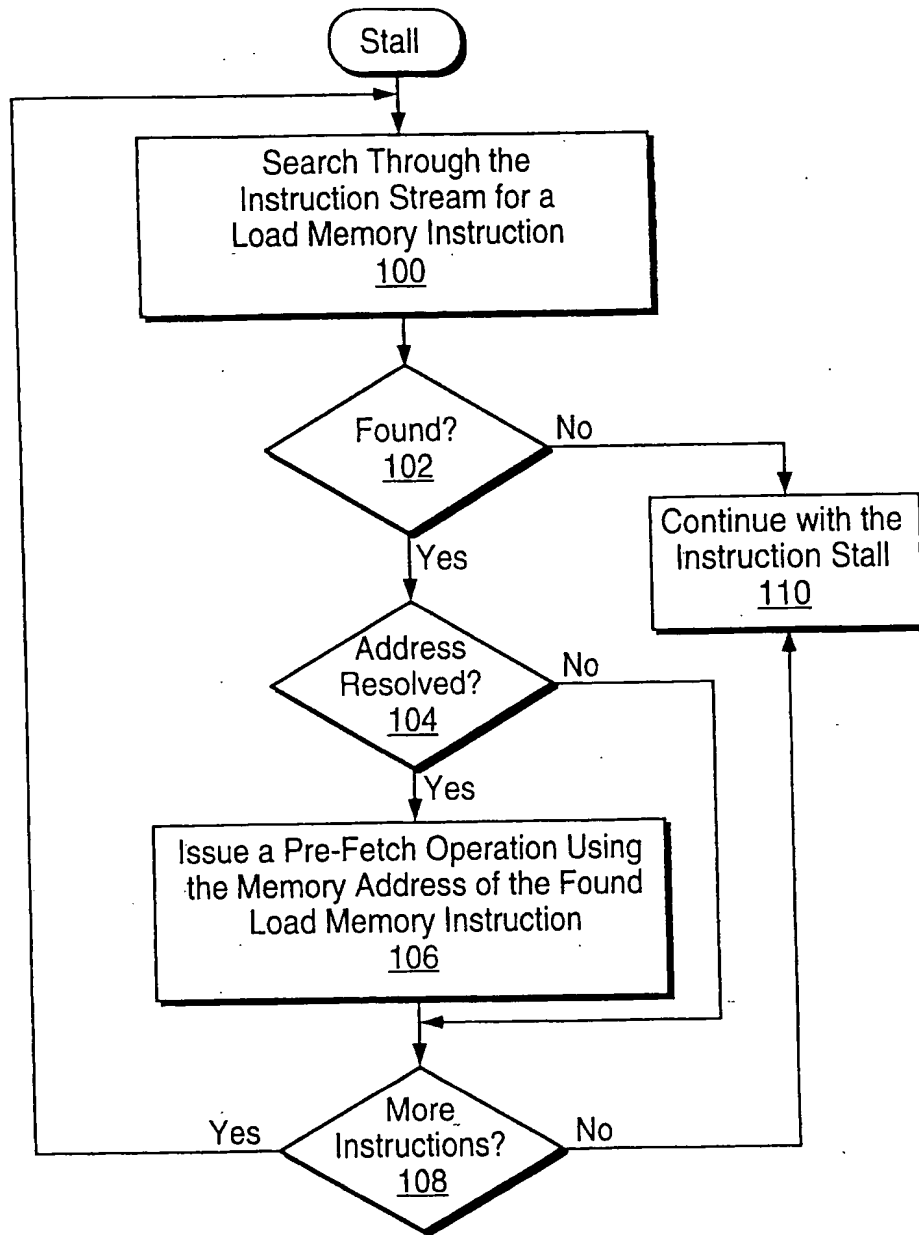


FIG. 2

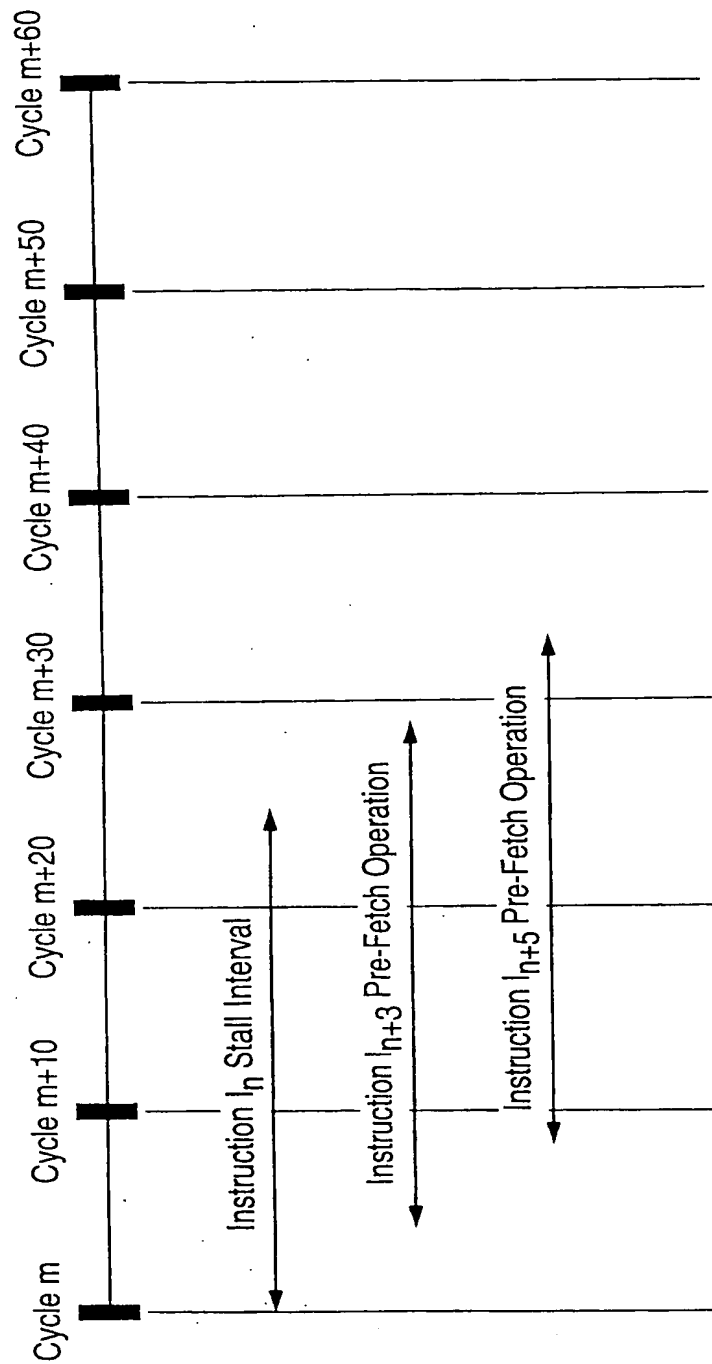


FIG. 3

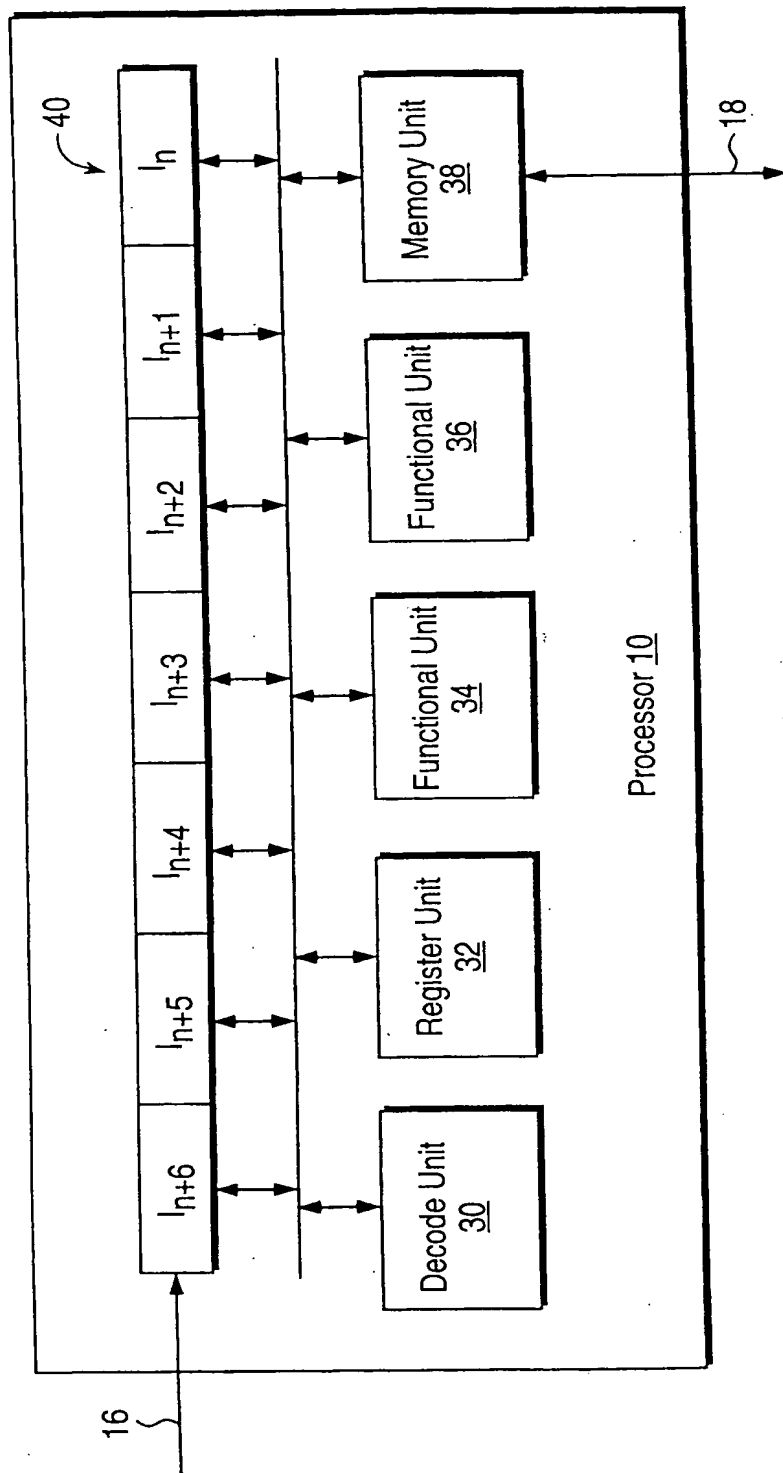


FIG. 4

Appendix B

013 14140 (gcl)

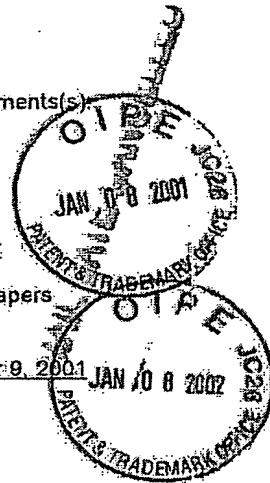
Dear Sir:

Please acknowledge receipt of the following documents(s):
RE: US Patent Application 09/822,551
PDNO: 10980981-1 Atty: TXL

Inventor: Alan H. Karp et al

Title: Look-Ahead Load Pre-Fetch in a Processor

- ☒ Transmittal Letter for Corrected Application Papers
- ☒ Notice to File Corrected Application Papers
- ☒ Four (4) pages of corrected formal drawings
- ☒ Certificate of First Class Mail dated November 9, 2001



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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Alan H. Karp et al.

Application No.: 09/922,551

Filing Date: August 2, 2001

Title: LOOK-AHEAD LOAD PRE-FETCH IN A PROCESSOR

Confirmation No.:

Examiner: Ravindran, Latha

Group Art Unit: 2183

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Technology Center 2100

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- () Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee
(X) Other: Petition Pursuant to 37C.F.R. § 1.181 (fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$86	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$280	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$950.00	4TH MONTH \$1480.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: **08/04/04**

Typed Name: **Christina Hartline**

Signature: Christina Hartline

Respectfully submitted,

Alan H. Karp et al.

By Brent R. Knight
Brent R. Knight

Attorney/Agent for Applicant(s)
Reg. No. **54,226**

Date: **August 4, 2004**

AUG. 29. 2006 10:58AM HP LEGAL
TO: PTO CENTRAL NUMBER

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NO. 2462 P. 1

AUG 29 2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10980981 -1

Inventor(s): Alan Karp et al

Confirmation No.: 9449

Application No.: 09/922551

Examiner: Ravindran, Iatha

Filing Date: Aug 02, 2001

Group Art Unit: 2183

#6

Title: Look-Ahead Load Pre-Fetch In A Processor

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

STATUS INQUIRY

More than 24 months have passed since:

- ☐ NEW APPLICATIONS
The filing of this application on _____. No communication has been received from the Patent and Trademark Office indicating action on this application.
- ☒ AMENDED APPLICATIONS
The filing of a response on Aug 4, 2004. No communication has been received from the Patent and Trademark Office.
- ☐ APPEALED APPLICATION
The Appeal Brief was filed on _____.
☐ An Examiner's Answer was mailed on _____.
☐ A Reply Brief to the Examiner's Answer was submitted on _____.
- ☐ ALLOWED APPLICATIONS
The mailing of FORM POL-85 and/or Examiner's Amendment on _____.

Kindly advise the undersigned of the present status of this application.

- ☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450

Date of Deposit:

OR

- ☒ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571) 273-8300.

Date of facsimile: 8/29/06

Typed Name: Alba P Escobar

Signature: [Signature]

Respectfully submitted,

By [Signature]

Attorney/Agent for Applicant(s)

Lloyd E. Dakin, Jr.

Reg No.: 38,423

Date: Aug 28, 2006

Telephone: 650 857 2295